

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TOM SEVE,

Plaintiff

Case No. 3:20-cv-00663-MMD-WGC

ORDER

v.

WARDEN GITTERE, *et al.*,

Defendants

I. DISCUSSION

On November 30, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted an application to proceed *in forma pauperis* on this Court’s approved form. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to

1 proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file
 2 a fully complete application to proceed *in forma pauperis* on or before **February 1, 2021**.
 3 Absent unusual circumstances, the Court will not grant any further extensions of time. If
 4 Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all
 5 three required documents on or before **February 1, 2021**, this case will be subject to
 6 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is
 7 able to acquire all three of the documents needed to file a fully complete application to
 8 proceed *in forma pauperis* or pays the full \$400 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the
 10 case with the Court, under a new case number, when Plaintiff has all three documents
 11 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
 12 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 13 full filing fee of \$400 on or before **February 1, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
 15 will not file the complaint unless and until Plaintiff timely files a fully complete application
 16 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
 19 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
 20 application to proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **February 1, 2021**, Plaintiff will either
 25 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 26 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
7 application to proceed *in forma pauperis* with all three documents or pay the full \$400
8 filing fee for a civil action on or before **February 1, 2021**, this case will be subject to
9 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
10 number, when Plaintiff has all three documents needed to file a complete application to
11 proceed *in forma pauperis* or pays the the full \$400 filing fee.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
13 (ECF No.1-1) but will not file it at this time.

14 DATED: December 2, 2020

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16 UNITED STATES MAGISTRATE JUDGE